THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.2164, 2165, 2166, 2167 and 2168 of 2007

08.2.2007

Between:

Smt.Lilly Kutty, D/o.Kunju Kunju,
And others

... Petitioners

AND

The District Collector, Ranga Reddy District
And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.2164, 2165, 2166, 2167 and 2168 of 2007

COMMON ORDER:

The petitioners, in these cases, purchased small extents of house sites situated at Doolapalli village under registered documents. They obtained necessary electricity service connections and also permission from Doolapalli Gram Panchayat for construction of compound walls. They allege that when they were constructing compound walls, at the behest of some builders, the second respondent is preventing them from making construction of compound walls. In spite of requests, they were not furnished with any reasons. They, therefore, filed the present writ petitions seeking appropriate declaration and direction, placing reliance on the common order of this Court dated 17.1.2007 in W.P.Nos.173 of 2007 and batch.

Learned Assistant Government Pleader for Revenue (General-T), after getting instructions, submits that the land is assigned land, which was already resumed by the Mandal Revenue Officer (MRO), Qutbullapur Mandal – second respondent herein; and that the petitioners have no right to maintain these writ petitions.

In the batch of similar writ petitions, in W.P.Nos.173 of 2007 and batch, this Court disposed of the same by common order dated 17.1.2007, observing as under.

> As the petitioners filed the writ petition alleging that the second respondent is trying to interfere with their peaceful possession, it would be proper to dispose of the writ petitions observing that unless and

> until notice is issued to the petitioners alleging contravention of any law, for being in possession of the land, the second respondent cannot resort to highhanded action and cannot interfere with the possession of the petitioners. It is needless to observe that if the petitioners have obtained permission from Doolapalli Gram Panchayat, second respondent cannot interfere with the construction as well. Further, as seen from the revenue record, permission is granted for compound wall and in the guise of the same, petitioners cannot make any further construction.

If the Government has already resumed the land and if the petitioners are still continuing in possession, the MRO has to necessarily issue a notice and take appropriate action. When the petitioners have obtained necessary permission from the Gram Panchayat, as seen from the documents enclosed to the writ petitions, the MRO cannot highhandedly take coercive steps against the petitioners.

The writ petitions, in terms of the above order in W.P.No.173 of 2007 and batch, are accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

February 08, 2007.

NOTE:

Dispatch order copy by
12.2.2007.
(By order)
YS